THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No.7868 of 2006

Dated: 17.07.2006

Between:

A. Venkateswarlu, S/o lateA. Chinna Mallaiah, R/o Avanthipuram, Miryalaguda Mandal, Nalgonda District.

.... PETITIONER

AND

The Government of A.P., rep. by Secretary to Government, Industries and Commerce Department, Secretariat, Hyderabad and others.

.....RESPONDENTS

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Order:

The petitioner states that his father, namely A. Chinna Mallaiah died in harness on 26.05.1994 while working as Pump Attendant in the 2nd respondent-Company. Thereafter, he submitted a representation, dated 06.12.1994, seeking appointment on compassionate grounds, and when the respondents did not consider his representation, he filed W.P. No. 2136 of 1998, and it is the case of the petitioner that this Court directed the

2nd respondent to consider his case, and that in pursuance of the said order, the Additional Secretary to Government, Industries and Commerce Department, also addressed a letter dated 14.06.2004 requesting the 2nd respondent to take necessary action in the matter. As the 2nd respondent has not taken any action in the matter, the petitioner filed the present writ petition.

Heard the learned counsel for the petitioner, learned Government Pleader for Industries and the learned Standing Counsel for the respondent Nos.2 and 3.

The learned Standing Counsel for respondent Nos. 2 and 3-Company, produced copy of the letter dated 14.04.1998 addressed by respondent No.3 to the petitioner and submitted that in pursuance of the orders of this Court dated 29.01.1998 passed in W.P. No. 2136 of 1998, the case of the petitioner was considered, and he was informed that there are no vacancies in Category-IV at present, and that as and when a suitable vacancy arises his case for appointment will be considered. The relevant portion of the letter reads:

> "The writ petition filed by you for providing an employment on compassionate grounds in Nizam Sugars Limited has been disposed of by the Hon'ble High Court on 29.1.98 directing the Nizam Sugars Limited to consider your application dt. 14.10.1997 and subsequent reminders for providing employment on compassionate grounds as per rules of the Company. Further, you have submitted a representation on 27.03.1998 requesting to provide employment either at Medak, Shakarnagar or any other Unit.
>
> As per rules of the Company (Circular dt.19.9.81), if an employee dies by way of natural death, if there is no vacancy, the dependent will be put in the waiting list for providing employment and employment will be provided as and when vacancies arises and no supernumerary post will be created. Your father was working as Pump Attendant (Seasonal) and died on 26.05.1994. The death of your father was natural.
>
> You are aware that the Amruthnagar Unit is under lay off and there are no crushing operations. The employees of Amruthnagar Unit are being paid lay off compensation. Similarly, in other Units also there are no vacancies in Category-IV at present. In view of this the Company is not in a position to provide you employment. However, your request for appointment will be considered as per rules as and when a suitable vacancy arises."

From the above, it is clear that pursuant to the directions of this Court, dated 29.01.1998 passed in W.P. No. 2136 of 1998, the case of the petitioner was considered, and as there are no vacancies in Category-IV at present, the respondents informed that the Company is not in a position to provide any employment to the petitioner on compassionate grounds, and that as and when a suitable vacancy arises his case for appointment would be considered.

In the above view of the matter, the relief now sought by the petitioner seeking to direct the respondents to consider his case for appointment on compassionate grounds cannot be granted.

The writ petition is devoid of merit and the same is liable to be dismissed.

At this stage, learned counsel for the petitioner submits that the respondents-Company have to pay some monetary benefits in lieu of compassionate employment to the petitioner. If that be the case, the

petitioner is at liberty to make a representation to the respondents-Company seeking monetary benefit in lieu of compassionate appointment, and if any such representation is filed, the respondents-Company shall consider the same and pay the monetary benefits, if the petitioner is eligible and entitled to receive.

With the above observation, the Writ Petition is dismissed. No costs.

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N.V. RAMANA, J.

Date: 17.07.2006
Nsr/Ksr